

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:24-CV-167-D

SSGT. TIMOTHY ADAM PAYNE,

Plaintiff,

v.

U.S. ARMY MATERIAL COMAND (AMC),  
et al.,

Defendants.

**ORDER**

On March 15, 2024, Timothy Adam Payne (“Payne” or “plaintiff”), filed a pro se complaint [D.E. 1] and a motion to proceed in forma pauperis [D.E. 2]. On March 22, 2024, pursuant to 28 U.S.C. § 636(b)(1), the court referred the case to United States Magistrate Robert B. Jones, Jr. for a Memorandum and Recommendation (“M&R”) and for a frivolity review [D.E. 6]. On April 15, 2024, Judge Jones issued an M&R recommending that the court deny Payne’s motion to proceed in forma pauperis, that Payne pay the \$405.00 filing fee, and that the court allow the case to proceed after Payne pays the filing fee [D.E. 10]. On April 25, 2024, Payne objected to the M&R [D.E. 11].

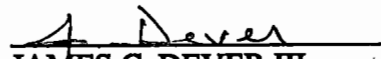
“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); see 28 U.S.C. § 636(b)(1). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315

(quotation omitted). If a party makes only general objections, de novo review is not required. See id. at 315–16; Wells v. Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). In “order to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

The court has reviewed the M&R, the record, and Payne’s objections. Payne’s objections are hard to understand, but they do not overcome Judge Jones’s recommendation that the court should not permit Payne to proceed in forma pauperis in light of his resources. Thus, if Payne wants to pursue this action, Payne must pay the \$405.00 filing fee.

In sum, the court ADOPTS the conclusions in the M&R [D.E. 10] and DENIES plaintiff’s motion to proceed in forma pauperis [D.E. 2]. Plaintiff SHALL pay the \$405.00 filing fee not later than May 24, 2024. If plaintiff fails to pay the filing fee by May 24, 2024, the clerk shall close the case. The court DENIES as meritless plaintiff’s motion to recuse [D.E. 7] and motion to amend Local Rule 15.1(a)(ii) [D.E. 8].

SO ORDERED. This 3 day of May, 2024.

  
JAMES C. DEVER III  
United States District Judge